IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

THURSDAY, THE FIRST DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MRS. JUSTICE T.MEENA KUMARI

WRIT PETITION NO : 17079 of 1994

Between:
Gundavaraapu Rajeswari, W/o. Gundavarapu Rama Krishna Murthy,
R/o. Sampathnagar, Guntur.

..... PETITIONER

AND

1 State of Andhra Pradesh, rep.by the Secretary to Govt. of A.P.,
Revenue(A.C.I)Department, Secretariat, Hyderabad.
2 The Special Officer and Competent Authority, Urban Land Ceiling,
8/2, Arundalpet, Guntur.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue the Writ of Certiorari or any other appropriate Writ to quash the order dated 11.8.1994 of the first respondent and the order dt.8.7.1980 of the second respondent as illegal, arbitrary and opposed to the principles of natural justice and direct the respondents to exclude the plot of the petitioner from the holding of the original owner, Sampath Kumar.

Advocate for the Petitioner: MR.S.V.R.S.SOMAYAJULU

Advocate for the Respondent No.: GP FOR REVENUE

The Court made the following ORDER:

This Writ Petition is filed for issuance of a Writ declaring the order Memo No.177/UC.I(2)/87-9, dated 11.08.1994 issued by the first respondent and the order ULG No.1335/76, dated 08.07.1980 issued by the second respondent as illegal, arbitrary and oppose to the principles of natural justice and direct the respondents to exclude the plot of the petitioner from the holding of the original owner Sampath Kumar.

It averred that the petitioner is owner of residential plot admeasuring about 345 sq.yards situated at Sampathnagar bearing municipal old ward no.16 and new ward no.22, Block no.11, Town survey no.673 having purchased the same from one Sampath Kumar under an agreement dated 05.05.1971 and possession thereof was delivered to her. Thereafter, she was enjoying the same by paying taxes and also she put up structures therein. After the Urban Land Ceiling Act came into force, with unnecessary interference of the second respondent, registration could not be completed. The petitioner is having property less than the ceiling limit under the Act. After the Urban Ceiling Act came into force, the vendor gave a statement that he had no further interest over the plot and that the petitioner was its absolute owner. The second respondent did not choose to issue any notice to the petitioner though material was placed before him that

petitioner is the absolute owner. The second respondent is wrong in referring the matter to the first respondent for exemption. The land is not a vacant land under the meaning of section 2(Q) of the Act and so, the provisions of the Act are not applicable thereto. The first respondent before issuing the impugned orders dated 11.8.1994 in exercise of power under Section 20(1)(b) of the Act, did not give opportunity to petitioner to place all the material before it. Hence, this Writ Petition.

Heard Sri S.Rajkumar, learned counsel appearing for the petitioner and the learned Government Pleader for respondents.

The present Writ Petition has been filed against the order of the first respondent dated 11.8.1994. Contents of the impugned order go to show that the declarant is one K.Sampath Kumar, who has made a representation for grant of exemption under Section 20(1)(b) of the Urban Land (CLR) Act, 1976 for an extent of 10.089.00 Sq. meters in T.R.Nos.659, 660, 661 and 673 in Guntur Urban Agglomeration. Contents of the representation go to show that he sold some vacant site and gifted some vacant sites as house sites to institutions and persons long prior to the introduction of the Urban Land (Q&R) Act, to enable him to discharge certain debts. No Counter affidavit has been filed

by respondents. It is stated in the impugned order dated 11.8.1994 that the Government had examined the matter in consultation with the Special Officer and Competent Authority, Urban Land Ceiling, Guntur, and the Commissioner of Land Reforms and Urban Land Ceilings, Hyderabad, and observed that they have no power to grant exemption for sale under the Act. Even though it has been observed that the declarant is a bachelor and his assets and liabilities have been verified by the Special Officer and Competent Authority, Urban Land Ceilings, Guntur, too, it is not a ground for rejecting the application. However, the respondents have relied on a decision of the Apex Court and refused to grant exemption. In the above circumstances, I find no reason to interfere with the impugned orders in this Writ Petition.

Accordingly, this Writ Petition is dismissed. No costs.

01.07.2004

Copy to:

1)The Secretary, Revenue (A.C.I) Department, Govt. of Andhra Pradesh, Secretariat, Hyderabad.
2)The Special Officer & Competent Authority, Urban Land Ceiling, 8/2, Arandalpet, Guntur.

3)Two CCs. to the G.P. for Revenue, High Court Buildings, High Court of A.P., Hyderabad (o.u.t.).
4)Two CD copies.

DRK